

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Shinji NISHITANI et al.)	PCT Appln. No.: PCT/JP2005/022412
)	
Application No.: 10/587,509)	Group Art Unit: 1625
)	
Filed: July 27, 2006)	Examiner: D. Margaret Seaman
)	
For: PROCESS FOR PREPARING)	
REBAMIPIDE)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPLICATION FOR PATENT TERM ADJUSTMENT—PRE-GRANT

In accordance with 37 C.F.R. § 1.705(b), Applicant hereby applies for patent term adjustment under 35 U.S.C. § 154(b) of 680 days. This application is being filed before or with the issue fee payment, as required by 37 C.F.R. § 1.705(b).

I. Statement of the Facts Involved

A. Correct Patent Term Adjustment

Applicant received the Determination of Patent Term Adjustment with the Notice of Allowance and Fee(s) Due mailed from the Patent and Trademark Office (PTO) on August 7, 2009, advising that this application is entitled to 371 days of patent term adjustment.

Applicant has calculated a patent term adjustment of 680 days based on the following facts:

Relevant Dates

The National Stage entry for the above-identified application was filed July 27, 2006. All of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements were submitted on this date.

The first action which was the Notice of Allowance, was mailed on August 7, 2009, resulting in a PTO delay of 680 days beyond the 14 months provided by 35 U.S.C. § 154(b).

Thus, the total PTO adjustments based on delay is 680 days and the reductions in term adjustment is 0 days, resulting in a patent term adjustment of 680 days total. Applicant respectfully requests that the current patent term adjustment be reconsidered.

B. Terminal Disclaimer

The above-identified application is not subject to a Terminal Disclaimer.

C. Reasonable Efforts

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing of examination of the above-identified application, as set forth in 37 C.F.R. § 1.704.

II. Fee

Since this application is being filed electronically, and as required by 37 C.F.R. § 1.705(b)(1), the required fee of \$200.00 is being electronically submitted, concurrently with this filing.

Please charge any deficiencies to our Deposit Account No. 06-0916. If there are any other fees due in connection with the filing of this request, please charge them to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 3, 2009

By: 

Arthur S. Garrett
Reg. No. 20,338